

## **LauritzenCool (Chile) S.A.**

LauritzenCool (Chile) S.A.  
Av. Isidora Goyenachea 3600, Piso 7º  
Las Condes  
Santiago, Chile

Tel: +56-2-756 4400  
Fax: +56-2-246 5010  
E-mail: [lrsl@lclau.com](mailto:lrsl@lclau.com)  
[www.lauritzencool.com](http://www.lauritzencool.com)

Docket Clerk  
Marketing Order Administration Branch  
Fruit and Vegetable Programs  
AMS, USDA  
1400 Independence Avenue, SW  
STOP 0237  
Washington, DC 20250-0237

Santiago Chile, September 16<sup>th</sup>, 2005

FAX (202) 720-8938  
E-MAIL [moab.docketclerk@usda.gov](mailto:moab.docketclerk@usda.gov)  
INTERNET <http://www.regulations.gov>

RE: Docket No. FV03-925-1PR  
Federal Register Vol.70, No. 100, Page 30001  
Grapes Grown in a Designated Area of Southeastern California and Imported  
Table Grapes; Proposed Change in Regulatory Period  
**COMMENTS IN OPPOSITION TO PROPOSED CHANGE**

Dear Docket Clerk:

LauritzenCool AB opposes the above referenced change in the effective date of Table Grape Marketing Order 925 and the companion Table Grape Import Regulation 4 that will further restrict table grapes supplied from Chile.

LauritzenCool AB is engaged in the logistics business. Transportation of agricultural commodities in winter and spring seasons accounts for a significant part of our business. We transport approximately 22.600.000 boxes (226.000 pallets) of fresh table grapes from Chile to various ports in the U.S. annually, out of which 4.300.000 boxes (43.000 pallets) enter the U.S. annually as from 1<sup>st</sup> of April upto April 20<sup>th</sup>.

If the Proposed Rule should be adopted, the substantial portion of these April shipments are expected to either be excluded, or be brought forward for shipment in order to arrive to USA before April 1<sup>st</sup>. If exporters pack earlier to meet the April 1<sup>st</sup> date - the proposed new effective date for Marketing Order 925 and Import Regulation 4, a substantial congestion may be experienced at both the arrival and departure ports, as more grapes will be loaded on vessels at Chilean ports at the same time, and more vessels will have to be available to handle these extra loads; thus more vessels will arrive at the

U.S. ports at the same time which will cause port congestions; more fruit must be processed through the U.S. customs and more fruit must be fumigated upon arrival at the same time. All the foregoing with no doubt will negatively affect the condition of the fruit. Also we must add if shipments are advanced to meet the new proposed April 1<sup>st</sup> marketing order date, we see it very difficult to supply vessels as March is the peak month for the Reefer transport market where vessels are very scarce and extremely expensive.


Furthermore, LauritzenCool AB concurs with, and incorporates herein by reference, the detailed comments and supporting data submitted by ASOEX, the Chilean Exporters Association. Specifically, LauritzenCool AB agrees with ASOEX in that:

- The Proposed Rule imposes marketing order standards on Chilean supplies when no domestic varieties are available, and therefore constitutes a non-tariff barrier contrary to the terms of WTO Agreements and the U.S.-Chile Free Trade Agreement.
2. The Proposed Rule assesses inspection fees starting April 1 when no domestic supplies are being so charged.
  3. The record submissions for the proposed rule do not support the proposed changes in the beginning and ending effective date of Marketing Order 925 and the companion Table Grape Import Regulation 4.
  4. The change in date from April 20 to April 1 will create an artificial shortage of table grapes since there is no other commercially significant and reliable supply from any source other than Chile.
  5. The proposed change in the beginning effective date of Marketing Order 925 and Table Grape Import Regulation 4 from April 20 to April 1 will deprive U.S. consumers of supply of fresh table grapes during a period when there is no other commercially significant and reliable supply from any source other than Chile.

Therefore, LauritzenCool AB urges the agency to reject the Proposed Rule.

Respectfully submitted,

**LAURITZENCOOL  
(CHILE) S.A.**

  
**Boris Gersling**  
General Manager